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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/056,125

01/24/2002

Eduardo Enrique Churquina

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08/16/2006

EDUARDO ENRIQUE CHURQUINA
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DALLAS, TX 75243

EXAMINER

NGUYEN, NGA B

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/056,125

Applicant(s)

CHURQUINA, EDUARDO
ENRIQUE

Examiner

Nga B. Nguyen

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/24/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/24/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the communication filed on January 24, 2002, which paper has been placed of record in the file.
2. Claims 1-20 are pending in this application.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 14-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 14-19 are ***ambiguous*** because the claims contain both method and apparatus.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claim 20 is rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter, particularly, an abstract idea.

The claims, as presently claimed and best understood were reconsidered in light of the "Examination Guidelines for Computer-Related Inventions" and were found to be non-statutory. Discussion of the analysis of the claims under the guidelines follows.

Claim 20 is implemented as Non-Functional Descriptive Material *Per Se*. “A graph” is considered a non-functional descriptive material. Where certain types of descriptive material, such as music, literature, art, photographs and mere arrangements or compilations of facts or data, are merely stored so as to be read or outputted by a computer without creating any functional interrelationship, either as part of the stored data or as part of the computing processes performed by the computer, then such descriptive material alone does not impart functionality either to the data as so structured, or to the computer. Such “descriptive material” is not a process, machine, manufacture or composition of matter. (Data consists of facts, which become information when they are seen in context and convey meaning to people. Computers process data without any understanding of what that data represents. Computer Dictionary 210 (Microsoft Press, 2d ed. 1994).)

Therefore, claim 20 is non-statutory, because they are directed solely to Non-Functional Descriptive Material *Per Se*.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Garcia, U.S. Patent No. 6,272,474.

Regarding to claim 1, Garcia discloses a method and graph for providing an integrated display of transaction price and volume of selected instruments traded in a market using price-volume bars comprising the steps of:

a) gathering of transaction data of selected instruments traded in a market comprising price, time, and volume of individual transactions (figure 4, the transaction data for XYZ stock), and

b) having a set of pre-selected time intervals and a set of pre-selected price brackets (figure 4, see "Time" and "Price"), and

c) computing a volume per price bracket total for each said pre-selected price bracket for each said pre-selected time interval, each said volume per price bracket total being the aggregate volume of transactions executed at prices within the corresponding price bracket and executed during the corresponding time interval (figure 4, see "Size"), and

d) displaying the resulting data in a graph comprising set of sequential price-volume bars, each said price-volume bar corresponding to one said pre-selected time interval (figures 3, 5 6, and column 6, line 45-column 7, line 60), and

e) each price-volume bar having graphical means for proportionately representing said volume per price bracket total of each said price bracket (figures 3, 5 6, and column 6, line 45-column 7, line 60),

whereby traders can compare transaction volumes between said pre-selected price brackets occurred during said pre-selected time intervals, and therefore gain an enhanced knowledge of transaction activity (column 5, line 55-column 6, line 5).

Regarding to claim 2, Garcia further discloses wherein said selected instrument traded in a market is an instrument selected from the group consisting of securities, stocks, futures contracts, options contracts, bonds, and commodities (column 2, lines 30-65).

Regarding to claim 3, Garcia further discloses wherein up trending price-volume bars are shown different than down trending price-volume bars by means of different color (column 6, lines 50-60).

Regarding to claim 4, Garcia further discloses wherein said price-volume bars have means for showing the open and close prices for corresponding time interval (figures 3, 5, 6).

Regarding to claim 5, Garcia further discloses wherein each said price-volume bar is segmented, each segment corresponding to one price bracket and said segment horizontal dimension is proportional to said volume per price bracket total of corresponding said price bracket (figures 3, 5 6, and column 6, line 45-column 7, line 60).

Regarding to claim 6, Garcia further discloses wherein up trending price-volume bars are shown different than down trending price-volume bars by means of different color (column 6, lines 50-60).

Regarding to claim 7, Garcia further discloses wherein said segments corresponding to price brackets within the range of prices between the open and close prices for the corresponding time interval are colored differently than segments outside said range of prices between open and close prices (figure 3 and column 6, lines 50-67).

Regarding to claim 8, Garcia further discloses wherein said price-volume bars have means for showing the open and close prices for corresponding time interval by changing the color of areas of said price-volume bar (figure 3 and column 6, lines 50-67).

Regarding to claim 9, Garcia further discloses wherein each said price-volume bar is segmented, each segment corresponding to one price bracket and each said segment representing the volume per price bracket total of its corresponding price bracket by proportionately varying said segment color (figure 3 and column 6, lines 50-67).

Regarding to claim 10, Garcia further discloses wherein up trending price-volume bars are shown different than down trending price-volume bars by means of different color (figure 3 and column 6, lines 50-67).

Regarding to claim 11, Garcia further discloses wherein said price-volume bars have means for showing the open and close prices for corresponding time interval (figure 3 and column 6, lines 50-67).

Regarding to claim 12, Garcia further discloses wherein each said price-volume bar is displayed as a segmented simulated 3-dimensional figure, each segment

corresponding to one price bracket and each said segment representing the volume per price bracket total of its corresponding price bracket by proportionately varying said segment dimensions (see figures 3, 5, 6).

Regarding to claim 13, Garcia further discloses wherein the open price is represented by extending the price-volume bar segment including the open price to the left of said price-volume bar, and extending the price-volume bar segment including the close price to the right of said price-volume bar (see figures 3, 5, 6).

Regarding to claim 14, Garcia further discloses the method and graph is implemented as a computer data processing system where

a) said transaction data of selected instruments is received by means of a suitable computer network connection (column 6, lines 30-45), and

b) said computing a volume per price bracket total for each said pre- selected price bracket for each said pre-selected time interval is accomplish by means of computer data processing (column 6, lines 30-45), and

c) displaying said graph comprising said set of sequential price-volume bars in a computer screen (column 6, lines 10-15).

Regarding to claim 15, Garcia further discloses the computer data processing system implemented as a stand-alone computer system where said computing a volume per price bracket total for each said pre-selected price bracket for each said pre-selected time interval and displaying said graph comprising said set of sequential price-volume bars in a computer screen is accomplish in a single computer system (column 6, lines 30-45).

Regarding to claim 16, Garcia further discloses the computer data processing system implemented on a client-server computer system architecture where said computing a volume per price bracket total for each said pre-selected price bracket for each said pre-selected time interval, storing such compiled volume per price bracket data, and displaying said graph comprising said a set of sequential price-volume bars in a computer screen is accomplished using two or more interconnected computer systems (column 6, lines 30-40).

Regarding to claim 17, Garcia further discloses where the client is an Internet browser (column 6, lines 30-45).

Claims 18-19 contain similar limitations found in claims 1-2 above, therefore, are rejected by the same rationale.

Regarding to claim 20, Garcia further discloses a graph for providing a display of transaction price and volume of selected instruments traded in a market comprising a set of sequential price-volume bars, each said price- volume bar corresponding to one pre-selected time interval, and each price-volume bar being segmented, each segment corresponding to one pre-selected price bracket, and each said segment having graphical means for proportionately represent the aggregate volume of transactions executed at prices within the corresponding price bracket and executed during the corresponding time interval, whereby traders can compare transaction volumes between said pre-selected price brackets occurred during said pre- selected time intervals, and therefore gain an enhanced knowledge of transaction activity (see figures 3, 5, 6 and column 5, line 55-column 6, line 5).

Conclusion

9. Claims 1-20 are rejected.
10. The prior arts made of record and not relied upon is considered pertinent to applicant's disclosure:

Friesen et al (US 6,993,504) disclose a user interface for providing trading between a plurality of non-fungible goods.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (571) 272-6799.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

12. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
C/o Technology Center 3600
Washington, DC 20231

Or faxed to:

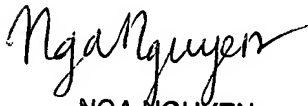
(703) 872-9306 (for formal communication intended for entry),

Art Unit: 3628

or

(571) 273-0325 (for informal or draft communication, please label
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox building, 501 Dulany
Street, Alexandria, VA, First Floor (Receptionist).


NGA NGUYEN
PRIMARY EXAMINER

June 15, 2006